



SHERIFF'S DEPARTMENT

Richard Nutting
Sheriff-Coroner

Michael M. Costa
Assistant Sheriff

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FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY

July 20, 1994

The Honorable Reed E. Hundt
Federal Communications Commission
1919 M Street, N.W.
Washington, D.C. 20554

Re: Billed Party Preference; CC Docket No. 92-77

Dear Commissioner Hundt:

As Jail Commander of the Tuolumne County Jail, Sonora, California, I am requesting that the Federal Communications Commission exclude local jails from the proposed "Billed Party Preference" system for 0+ Inter LATA payphone traffic rules.

Under B.P.P., the Tuolumne County Jail would be losing the ability to monitor telephone calls during investigations and would likely lose the ability to block calls to protect victims and witnesses from intimidation. Families could also be protected from unwanted calls and harassment. At the present time, several inmates have restraining orders issued by the courts which prohibits them from making telephone calls. Without the ability to control the jail's inmate telephones, the jail would be in violation of a court order.

The elimination of commissions received from Pacific Bell would greatly effect a host of unfunded mandates. California jails have Inmate Welfare Funds which are established by the Penal Code. The welfare funds are used for programs and services solely for the inmates. Telephone commissions are the primary source of revenue for the Inmate Welfare Fund. Many of these programs and services are mandated by law and the courts, primarily the Federal courts. The elimination of commission revenues would force us to use funds from extremely tight budgets to pay for these mandates.

The services and programs provided by the Inmate Welfare Fund includes Adult Education through an on site computer lab, G.E.D. programs, basic literacy training, substance abuse and family counseling, religious services and more. Even basics such as supplying indigent inmates with personal hygiene supplies and letter writing material is provided by the welfare fund.

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Billed Party Preference con't.

Before any decision is made, please consider the dramatic and adverse impact on California's jails if they are not excluded from the Billed Party Preference System.

Sincerely,

RICHARD NUTTING, SHERIFF-CORONER

A handwritten signature in black ink, appearing to read "James N. Childers". The signature is fluid and cursive, with a large, stylized initial "J" and a prominent "C" at the end.

Lt. James N. Childers
Jail Commander

STATE OF KANSAS
JOAN FINNEY, GOVERNOR



SOCIAL AND
REHABILITATION SERVICES
DOCKING STATE OFFICE BLDG.
TOPEKA, KANSAS 66612-1570
DONNA WHITEMAN, SECRETARY

YOUTH CENTER AT BELOIT

1720 NORTH HERSEY (Box 427)
BELOIT, KANSAS 67420-0427
DENIS J. SHUMATE, SUPT.

(913) 738-5735
(913) 738-3314 (FAX)
KANSAS 67420-0427

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July 14, 1994

The Honorable Reed E. Hundt, Chairman
Federal Communications Commission
1919 M Street, N.W.
Washington, D.C. 20554

RE: Billed Party Preference, CC Docket No. 92-77

Dear Honorable Hundt:

I am writing on behalf of the Youth Center at Beloit, a juvenile correctional program, in the state of Kansas.

The five youth-serving agencies in Kansas installed a youth phone system approximately one year ago that is similar to the inmate phone systems that are provided for a large number of adult facilities throughout the United States. The state of Kansas issued a request for proposal in the spring of 1993 with five companies submitting proposals. Executone based in Oakdale, California, was selected as the successful vendor because their proposal came the closest to meeting the requirements specified in the RFP.

The state of Kansas went to this type of system in the youth facilities because of a long history of problems involving youth involved in gang activity, fraud, planning of escapes, extortion, and a variety of other problems. The installation of the youth phone system was viewed as the way to gain control of these problems and still provide youth access to their families and others approved for telephone contact.

This is to advise you that we are opposed to the enactment of Billed Party Preference as it would eliminate our ability to provide youth telephone service.

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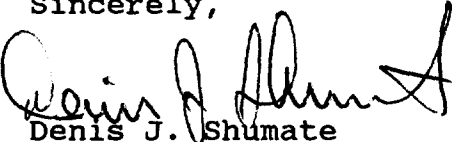
Honorable Hundt

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July 14, 1994

We are actively encouraging you and the commission to take whatever steps are necessary to insure that Billed Party Preference is not enacted.

Sincerely,



Denis J. Shumate
Superintendent

DJS:mh

cc: The Honorable James H. Quello
The Honorable Andrew C. Barrett
The Honorable Rachelle B. Chong
The Honorable Susan Ness

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KB



OFFICE OF THE SHERIFF

JOSEPH M. ARPAIO
SHERIFF



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July 1, 1994

AUG 1 2 1994

The Honorable Reed E. Hundt
Chairman
Federal Communications Commission
1919 M Street, NW
Washington, DC 20554

FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY

RE: Billed Party Preference; CC Docket No. 92-77

Dear Chairman Hundt:

As Sheriff of this country's 6th largest county and responsible for the care and welfare of a jail inmate population that averages over 5000 prisoners, I am very alarmed over the prospects of your Billed Party Preference proposal. Prior to the specialized and innovative technology now available to us through inmate phone service providers, we were at a distinct disadvantage in regard to control of inmate fraud and abuse. Inmates then, as they will again if 92-77 is issued, continually harassed judges, witnesses, and families of other inmates, devised fraud and drug schemes beyond our wildest imaginations and generally wreaked havoc through the phone systems that were available to them. In those days, every available budget dollar possible went into resources to fight these abuses only to be thwarted time and time again. We are aware that proponents of Billed Party Preference have lobbied your office with arguments that agencies can independently and adequately finance these systems from their general funds. This is not the case and simply cannot be done. The realities are that county governments cannot unilaterally fund the technology, personnel and resources to adequately combat the types of criminal activity that can take root in large jail systems.

We realize on the other hand that strict controls are necessary in regard to charges that are passed to called parties. As in most states, Arizona's phone rates are set and overseen by the Arizona Corporation Commission. These commissioners are tough but fair in determining the amounts that can and will be charged, and those of us that depend heavily on phone service providers to assist us by providing critical revenue, and technological services, are overly cautious to insure the providers comply in all respects to the law and policy set by the Commission.

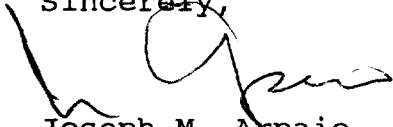
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In view of that, we are vehemently opposed to any effort that infringes on our ability to provide inmates with lawful, properly controlled phone systems and that would take away protection for the public and critical funding for important inmate programs. We are requesting that the Commission take a serious second look at the dangers involved with Billed Party Preference prior to implementation. To rule in favor of the proposal will prevent jail administrators from having a very critical tool in the fight to maintain order in our jail institutions. We appreciate your consideration in this matter.

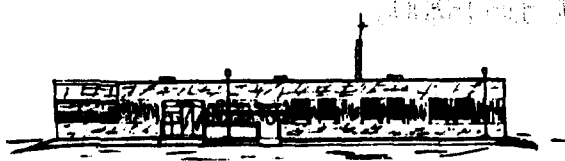
Sincerely,

A handwritten signature in black ink, appearing to read 'Joe Arpaio', written over the word 'Sincerely,'.

Joseph M. Arpaio
Maricopa County Sheriff

JMA:HW:md

cc: Senator Dennis DeConcini
Senator John McCain
Congressman Sam Coppersmith
Congressman Ed Pastor
Congressman Bob Stump
Congressman Jon Kyl
Congressman Jim Kolbe
Congresswoman Karan English



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FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY

CLARENDON COUNTY LAW ENFORCEMENT CENTER

320 EAST BOYCE STREET - TELEPHONE 803/435-8831
MANNING, SOUTH CAROLINA 29102

Amos Hatcher
Corrections Administrator

Theola Martin
Corrections Asst. Administrator

August 1, 1994

The Honorable Reed E. Hundt, Chairman
Federal Communications Commission
1919 M Street, NW
Washington, D.C. 20554

Re: CC Docket No. 92-77 Opposition to Billed Party Preference

Dear Chairman Hundt:

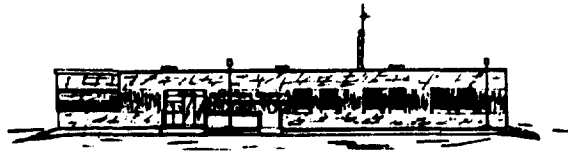
We are opposed to the application of Billed Party Preference (BPP) at inmate facilities.

We have analyzed the security and administration needs at our facility and have found it to be necessary to route inmate calls from our facility to a single carrier that is equipped to handle inmate calls and with whom we have a contractual relationship. We cannot allow inmates to have open access to the telecommunications network and the freedom to use any carrier they please. BPP will take away our right to coordinate inmate calls through a carrier we know and trust. Instead, inmate calls will be routed to a number of different carriers, none of whom will have any obligation to us, and few that will be trained to handle inmate calls.

We have also found it necessary to install phone equipment that is specifically designed for inmate calls. This equipment helps prevent fraud, abusive calls, and other criminal activity over the telephone network. Given the constant budgetary constraints that we are under, we cannot afford to provide this equipment without the help of inmate phone service providers. BPP would also eliminate the revenue stream that finances out inmate phones. If BPP is applied to inmate facilities, there will be no way for us to finance these phones, nor will there be inmate phone service providers to assist us. Without inmate phones, the morale of our inmates will be devastated. The resulting increase in tension will make it more difficult for our staff to manage inmates.

Furthermore, we are sensitive to the rates inmate families pay for calls. We fully appreciate the FCC's concern of some Sheriffs do not take responsibility for protecting inmate families from abusive rates. We do not agree with the FCC that the solution for this lack of responsibility is BPP. The proper and more effective action would be to adopt rate ceilings on inmate calls and then let Sheriffs enforce these rate ceiling through their contracts. Indeed we believe the overwhelming majority of Sheriffs are committed to requiring rates that are fair and reasonable.

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CLARENDON COUNTY LAW ENFORCEMENT CENTER

320 EAST BOYCE STREET - TELEPHONE 803/435-8831
MANNING, SOUTH CAROLINA 29102

Amos Hatcher
Corrections Administrator

Theola Martin
Corrections Asst. Administrator

In short, BPP would take away our ability to employ important security and administrative measures that we have found to be necessary at our facility, ultimately reducing inmate phone availability, which in turn decrease the efficiency of our staff. We urge you to not adopt regulations that interfere with our administrative and security decision--decisions that are clearly within our discretion and which we have a public responsibility to make.

Respectfully submitted,

Amos Hatcher
Name Title

CLARENDON COUNTY DETENTION
Name of Correctional Facility

320 E. Boyce St. Manning, SC
Address 29102



WASHINGTON
COUNTY,
OREGON

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AUG 12 1994

FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY

June 30, 1994

The Honorable Reed E. Hundt
Federal Communications Commission
1919 M Street N.W.
Washington, D.C. 20554

Dear Chairman Hundt,

Re: Billed Party Preference; CC Docket No. 92-77

As the Sheriff of Washington County, Oregon, I respectfully request that you oppose the proposal before you to mandate Billed Party Preference (BPP) calling in correctional facilities.

My greatest concerns center around our losing the ability to control inmate calling, and the potential loss of revenue that is currently used to benefit our inmates.

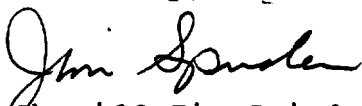
The first issue is plain and simple, community safety. We recently had an instance where one of our inmates was using the telephone system to place threatening and harassing calls to his children and to witnesses who were scheduled to testify against him in his trial for the murder of his wife. Our current system allowed us to block his access to those telephone numbers. Later this same inmate used third party calling to continue his harassment. Again, we were able to stop this activity.

The second issue is also significant. Revenues generated from the inmate phone system are an important local asset. At a time when local governments are strapped for funds and when the public is demanding increased accountability from those who choose to commit crimes, this proposal before the FCC would run counter to those needs.

I certainly understand your concerns regarding the potential abuse by unethical providers. However, there are safeguards that could be implemented that would not eliminate our ability to manage inmate calling and to generate reasonable revenues for use in inmate programs.

Please, I urge you, do not approve the proposal for a BPP system in correctional facilities.

Sincerely,


Sheriff Jim Spinden

Jim Spinden, Sheriff

Sheriff's Office
Hillsboro, Oregon 97124

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